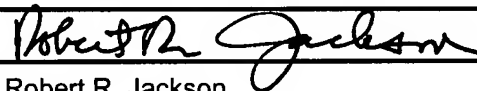
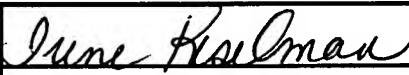


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|---|------------------------|-----------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing)<br>Total Number of Pages in This Submission: <u>4</u> | Application Number     | 10/702,196      |
|   | Filing Date            | 11/04/2003      |
|   | First Named Inventor   | Bill Bereza     |
|   | Art Unit               | 2618            |
|   | Examiner Name          | Minh D. Dao     |
|   | Attorney Docket Number | 000174-0267-101 |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. <b>Comments on Statement of Reasons for Allowance;</b><br>2. <b>Copy of Letter Vacating Requirement for Publication Fee; and</b><br>3. <b>Return Receipt Postcard</b> |
| <b>Remarks</b><br>The Director is hereby authorized to charge any fee(s) due under 37 CFR 1.16 or 1.17 to Deposit Account Number 06-1075, Order No. 000174-0267-101. A duplicate copy of this form is enclosed.  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | Fish & Neave IP Group, Ropes & Gray LLP   |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Robert R. Jackson   |          |        |
| Date                                       | May 18, 2007  | Reg. No. | 26,183 |

| CERTIFICATE OF MAILING via Express Mail Label No.: EV 930038928 US  |   |      |              |
|---|---|------|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below: |   |      |              |
| Signature   |  |      |              |
| Typed or printed name   | Irene Keselman  | Date | May 18, 2007 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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000174-0267-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bill Bereza et al.  
Application No. : 10/702,196 Confirmation No. : 7108  
Filed : November 4, 2003  
For : ADAPTIVE COMMUNICATION  
METHODS AND APPARATUS  
Art Unit : 2618  
Examiner : Minh D. Dao

New York, New York 10036  
May 18, 2007

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

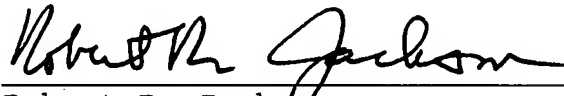
Sir:

The "Reasons for Allowance" that accompanied the Notice of Allowance for the above-captioned patent application state that claim 25 "recites the same limitations as included in claims 1 and 16, and therefore is interpreted and allowed for the same reasons set forth above."

Applicants point out that claim 1 is an apparatus claim and claim 16 is a method claim. These claims are therefore different from one another. In addition, claim 25 is another apparatus claim, which has wording that is different from the other independent apparatus claim (i.e., claim 1).

Each of applicants' claims should be interpreted on the basis of the wording of that particular claim. The statement in the "Reasons for Allowance" about alleged claim similarity should not be used to short-circuit proper claim interpretation on the basis of the particular wording of each individual claim.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert R. Jackson", is written over a horizontal line.

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*R. JACKSON*

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/702,196         | 11/04/2003          | Bill Bereza           | 174/267                |

FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
1251 AVENUE OF THE AMERICAS FL C3  
NEW YORK NY 10020-1105

A956  
Confirmation No. 7108

Date Mailed: June 7, 2005

**LETTER VACATING REQUIREMENT FOR PUBLICATION FEE**

This is in response to your telephone inquiry on June 6, 2005, in the above-identified application indicating that the application should not have been published. The application was filed with a valid Non-Publication request. No publication fee is required.

The requirement for a publication fee is vacated.

If the applicant has filed a payment of the publication fee, a request for refund accompanied by a copy of this letter may be mailed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

If the applicant has not yet filed a payment of the publication fee, a copy of this letter should be submitted along with the issue fee payment.

Questions relating to this communication should be directed to the undersigned by telephone at (703) 605-4283.

*Barbara J. DeBram*  
Barbara J. DeBram  
Pre-Grant Publication Division  
Office of Patent Publication